

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.1887 OF 2019

Madhukar Namdeo Shurpatne

Petitioner

Versus

Purushottam Vishvanath Shurpatne
and others

Respondents

WITH
WRIT PETITION NO.4496 OF 2019

Madhukar Namdeo Shurpatne

Petitioner

Versus

Purushottam Vishvanath Shurpatne
and others

Respondents

Mr. M.M.Bhokarikar, advocate for the petitioner.

Mr. Mobin H. Shaikh, advocate holding for Mr.V.R.Dhorde, advocate for
Respondents No.1 & 4.

CORAM : RAVINDRA V. GHUGE, J.

DATE : 29th August, 2019

PER COURT:

1 The learned advocate for the petitioner, original plaintiff in SCS No.32 of 2013, submits that during the pendency of the first petition (W.P.No.1887 of 2019), the trial Court has dismissed the suit. The petitioner has filed a restoration application before the trial Court and the same is pending. It is, therefore, stated that this petition can be disposed off as being infructuous and the grounds raised by the petitioner in the restoration application may be kept open.

2 The learned advocate for the Respondents No.1 & 4-defendants no.1 & 4 submits that this Court had passed an order on 12.06.2018 in Writ Petition No.7794 of 2017 filed by the plaintiff. The petition was disposed off and the hearing in the suit was expedited. It is in this backdrop, the trial Court has proceeded to decide the suit within the time frame.

3 Considering the above, Writ Petition No.1887 of 2019 stands disposed off, on instructions, as being infructuous and the grounds raised in the restoration application would be considered by the trial Court, on their own merits.

4 Since the petitioner has already preferred an application for restoration of the suit before the trial Court, Writ Petition No.4496 of 2019 does not survive and stands disposed off, as being infructuous.

5 Pending Civil Application No.4791 of 2019, in W.P.No.1887 of 2019, does not survive and stands disposed off.

RAVINDRA V. GHUGE
JUDGE

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